

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KENNETH GOTSCHE, )  
Plaintiff, )  
v. ) No. 4:24-cv-01217-AGF  
STARBUCKS CORPORATION, )  
Defendant. )

**MEMORANDUM AND ORDER**

This diversity action is before the Court on review of Plaintiff's "Brief in Support of Joinder and Remand" (ECF No. 22), filed pursuant to the Court's Memorandum and Order dated March 6, 2025 (ECF No. 21). As discussed at length in that Order, Plaintiff has filed a motion for leave to amend his complaint in order to add two new Defendants, one of which, Creve Coeur Real Estate Venture II, LLC ("Creve Coeur Real Estate"), is a limited liability corporation. However, Plaintiff did not properly plead the citizenship of Creve Coeur Real Estate in the proposed amended complaint.

As the Court previously explained, unlike a corporation, which is a citizen of its state of organization and its principal place of business, 28 U.S.C. § 1332(c)(1), a limited liability company is a citizen of every state of which any member is a citizen. *GMAC Commercial Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). Thus, in order to determine Creve Coeur Real Estate's citizenship, Plaintiff must plead the citizenship of each member of the LLC. Further, if any member "is itself a partnership or limited liability

company, then the identity of each member of each of these entities must be traced until we reach a corporation or natural person.” *West v. Louisville Gas & Elec. Co.*, 951 F.3d 827, 829 (7th Cir. 2020).

Thus, the Court ordered Plaintiff to file, on or before March 14, 2025, a new proposed amended complaint “which alleges facts establishing the citizenship of each party proposed to be joined.” ECF No. 21 at 4. The Court also held that if joinder of the new defendants would destroy diversity jurisdiction—namely, if Creve Coeur Real Estate shared Plaintiff’s Missouri citizenship—then Plaintiff would also need to file a supplemental brief addressing 28 U.S.C. § 1447(e) and its related factors.

On March 14, 2025, Plaintiff filed the supplemental brief now before the Court, which seems to contend that Creve Coeur Real Estate is a Missouri citizen and thus would destroy complete diversity in this case. *See, e.g.*, ECF No. 22 at 10. Plaintiff also addresses why joinder of Creve Coeur Real Estate and remand to the state court is warranted under 28 U.S.C. § 1447(e) and its related factors.

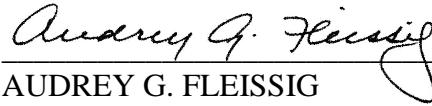
However, Plaintiff has not filed a new proposed amended complaint properly pleading the citizenship of Creve Coeur Real Estate. The proposed amended complaint attached to Plaintiff’s supplemental brief again only pleads that “Defendant Creve Coeur Real Estate Venture II, LLC . . . is a limited liability corporation, organized under the laws of the State of Missouri, and may be served through its Registered Agent, Stephen Wolff at 11456 Olive Boulevard, Suite 210, St. Louis, Missouri 63141.” ECF No. 22-4 at ¶ 4. Again, this is not the proper way to plead the citizenship of an LLC. And Plaintiff has not identified anywhere in the record listing the membership of Creve Coeur Real Estate or otherwise containing enough

information from which the LLC's citizenship can be discerned.

Accordingly,

**IT IS HEREBY ORDERED** that, on or before **March 21, 2025**, Plaintiff shall file a new proposed amended complaint in support of his motion (ECF No. 20), which alleges facts establishing the citizenship of each party proposed to be joined. **Specifically, Plaintiff's new proposed amended complaint must properly plead the citizenship of Defendant Creve Coeur Real Estate Venture II, LLC and the basis for allegation(s) by pleading the citizenship of each member, traced until reaching a corporation or natural person.** If Plaintiff fails to timely and fully comply with this Order, the Court may deny Plaintiff's motion for leave to amend without further notice.

**IT IS FURTHER ORDERED** that Defendant shall have **seven days** after the filing of Plaintiff's new proposed amended complaint to file any opposition, and any reply must be filed within **seven days** of such opposition.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of March, 2025.